IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24447 of 2004

Between:

D.Sivakumar Reddy S/o. Sri D.Krishna Reddy

Aged 48 years R/o. Plot No.400

Near SRK School, Maguntta Layout,

Dargamitta, Nellore- 524 003 .... PETITIONER

AND

1.. Mandal Revenue Officer,

Manubolu Mandal,

Manubolu, Nellore dist

2.. Revenue Divisional Officer,

Gudur Division, Gudur

Nellore

3.. District Collector,

Nellore District, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of certiorari or any other appropriate writ or order calling for the records of the 1st respondent in notice CC No.2139/NLR/75, CC No.2140/NLR/ dated 21-12-2004 and quash the same as arbitrary, in violation of Article 300-A of the Constitution of India and also settled decisions of this Hon'ble Court and consequently direct the first respondent not to stop the crushing activities of the petitioner situated at Survey No.1080 of Vadlapludi village, Manubolu Mandalam, Nellore district pursuant to the notice of the 1st respondent dt 11-12-2004

Counsel for the Petitioner:MR.SHAIK JEELANI BASHA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be having a valid mining lease for road metal to an extent of Ac.2.47 cents situated adjacent to his crushing unit situated in Survey No.1080 of Vadlapudi village, Manubolu Mandal, Nellore district. It is also stated that the lease of the petitioner was extended to a period of 10 years vide proceedings dated 1-12-2004 and that he has also obtained an explosives licence and running the crushing mill by investing huge sums of money and employing about 200 workers. While so, the first respondent issued notice dated 11-12-2004 stating that out of total extent of Ac.197-97 cent of land in Survey No.1080, Vadlapuudi village, an extent of Ac.67.95 cents is government land in possession of petitioner and ten others and thereby directing the petitioner and ten others to furnish the documents in support of their title over the land in their possession, within 7 days. The petitioner stated to have submitted an explanation dated 18-12-2004. Thereafter, the first respondent issued notice dated 21-12-2004 directing the petitioner to stop the crushing activities till completion of the survey of the land covered under survey No.1080. Questioning the said action, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

The first respondent has passed the impugned order for smooth conduct of the survey, in the subject land which cannot be said to be an illegal action affecting rights of the petitioner. At any rate, conduct of survey is only a temporary measure

and for such period only the petitioner was directed to stop the crushing activity. Except expeditious completion of the survey, no relief can be granted to the petitioner.

In the above circumstances, the writ petition is disposed of directing the first respondent to complete the survey expeditiously, preferably within a period of one week from the date of receipt of copy of this order. No costs.

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N.V.RAMANA,J

28-12-2004

TVK

NOTE: CC in 3 days

B/o.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. Mandal Revenue Officer,

Manubolu Mandal,

Manubolu, Nellore dist

2.. Revenue Divisional Officer,

Gudur Division, Gudur Nellore

3.. District Collector,

Nellore District, Nellore

4.2CCs to G.P. for Revenue , High Court of A.P. buildings , Hyderabad

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